United States District Court Southern District of Texas

## **ENTERED**

December 15, 2020 David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS LAREDO DIVISION

MARIO A. VELAZQUEZ,  $\S$   $\S$  Plaintiff,  $\S$  CIVIL ACTION NO. 5:16-CV-238  $\S$  RUBEN DE LA ROSA MARTINEZ,  $\S$  et al,  $\S$  Defendants.  $\S$ 

## **ORDER**

The Court recently granted Third-Party Defendants' motions for summary judgment against Third-Party Plaintiffs' claims for indemnification (Dkt. No. 252). Now pending before the Court are two motions. First, Third-Party Defendants—Forming Technologies, LLC; Allied Plastics, Inc.; and Packaging Concepts & Design, LLC—have filed an unopposed joint motion to sever the indemnification claims pursuant to Federal Rule of Civil Procedure 21, reasoning that severance will allow Defendants to appeal this Court's Order now, before the resolution of all other claims pending in this case (Dkt. No. 253). Because severing the indemnification claims will likely facilitate a more efficient resolution of all claims in this case, the Court finds severance appropriate and GRANTS Third-Party Defendant's Motion (Dkt. No. 253).

Second, anticipating the Court's severance of the indemnification claims, Plaintiff and Defendants jointly move to stay this case (Dkt. No. 255). A stay would avoid needlessly duplicative discovery in the event that Defendants prevail in their appeal of this Court's Order granting summary judgment. Because a stay is in the

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interests of equity and judicial economy, the Court STAYS this action until the

resolution of any appeal in the new cause of action.

The Third-Party Defendants' Motion to Sever (Dkt. No. 253) and Plaintiff's and

Defendants' Motion to Stay (Dkt. No. 255) are hereby GRANTED. The Clerk of Court

is **DIRECTED** to open a new case for the claims brought by Defendants Benteler

Automotive Corporation and Benteler Automotive-Mexico against the Third-Party

Defendants in the Third-Party Complaint (Dkt. No. 195). This new case incorporates

this Court's Order granting Third-Party Defendant's motions for summary judgment

(Dkt. No. 252) and as such, also incorporates docket numbers 195, 201-02, 205, 215,

218–19, 232–35, 238–40, and 242–47.

It is so **ORDERED**.

SIGNED December 15, 2020.

Marina Garcia Marmolejo

United States District Judge

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